

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 1, 2000
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays and City Clerk Reimche

Seated at the staff table were: Deputy City Manager Keeter, Public Works Director Prima, and
Community Development Director Bartlam

Also present were Finance Director McAthie, Fire Chief Kenley and Parks and Recreation Director Williamson.

2. INVOCATION

The invocation was given by Pastor Norm Mowery, First United Methodist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Nicholas Dellan with the Masons proclaiming the month of April 2000 as "California Public Schools Month" in the City of Lodi.
 - b) Mayor Mann presented a proclamation to Theresa Locke and Donna Duvin, with the San Joaquin County Chapter of American Red Cross, proclaiming the month of March 2000 as "American Red Cross Month" in the City of Lodi.
 - c) Theresa Yvonne, Arts Coordinator and staff liaison to the Arts Commission, updated the City Council on the many activities and accomplishments of the Lodi Arts Commission.
 - d) Mayor Mann presented Certificates of Appreciation to the members of the Information Technology Committee, which recently disbanded after completing its mission.
 - e) Alisha Thawley, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Katy Wicks from Lodi High School, and the Honorary Teen of the Month, Angela Manassero from St. Mary's High School.
 - f) Carey Madill, with Pacific Gas & Electric Company (PG&E), presented a check in the amount of \$7,500 to Richard Jones, Executive Director of the Lodi Boys and Girls Club, toward the painting of a mural on the PG&E wall on Cherokee Lane.
 - g) Mayor Mann presented retiring City Clerk, Alice M. Reimche, with a Resolution of Appreciation expressing the City's sincere appreciation and thanks for her significant contributions to the City of Lodi and the Lodi community, and wishing her good health and the best of luck as she embarks on her new adventures into retirement. Further, San Joaquin County Supervisor Jack Sieglock presented City Clerk Reimche with a beautiful certificate thanking her for her dedication to the City of Lodi and this community. Mayor Mann then presented Mrs. Reimche with a bouquet of roses.
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$5,109,494.89.
- b) Agenda item #E-2 entitled, "Minutes a) February 10, 2000 (Special Meeting); b) February 16, 2000 (Regular Meeting); and c) February 17, 2000 (Special meeting)" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- c) Adopted Resolution No. 2000-27 awarding the contract for East Lodi Avenue Parcel Site Clearing and Building Demolition, 1400 – 1500 Block of East Lodi Avenue, to SEMCO, of Modesto, in the amount of \$17,974 and appropriated funds in accordance with staff recommendation.
- d) Adopted Resolution No. 2000-28 awarding the contract for installation of electric utility substructures (conduit and vaults) in Turner Road from McLane Substation easterly past Mills Avenue and westerly to Lower Sacramento Road/Woodhaven Lane to the low bidder, Golden State Utility Company, in the amount of \$304,999. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- e) Accepted the improvements under the "Lane Line Painting, Various City Streets, 1999" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- f) Accepted the improvements under the "Sacramento Street Reconstruction, Pine Street to Oak Street" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- g) Authorized the City Manager to execute a professional design master services agreement with Wenell Mattheis Bowe, of Stockton, for preparing the plans and specifications for roof replacement work at the Municipal Service Center (MSC), to execute contract change orders, as needed, for this project, and appropriated funds in accordance with staff recommendation.
- h) Agenda item #E-8 entitled, "Authorize City Manager to execute a professional services agreement for design services for Elm Street Improvements, School Street to Sacramento Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- i) Adopted Resolution No. 2000-29 authorizing the City Manager to execute a funding agreement with the State of California Farmland Conservancy Program, formerly known as the Agricultural Land Stewardship Program, for open space/agricultural land preservation efforts. If authorized, the planning grant will be used to pay for consultant services to begin the process of identifying if and how agricultural land between Lodi and North Stockton will be set aside to create a greenbelt.
- j) Agenda item #E-10 entitled, "Amend contract between the City of Lodi and Food & Fun Concessions for concession operations at Armory Park and Softball Complex" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

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- k) Agenda item #E-11 entitled, "Authorize City Manager to execute contract with Moore, Iacofano, Goltsman, Inc. for greenbelt consulting services" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- l) Adopted Resolution No. 2000-32 accepting the annexation of 10 acres to the City of Lodi for St. John's Episcopal Church (LAFCO 18-99).
- m) Agenda item #E-13 entitled, "Public Benefits Program – City of Lodi Energy Efficiency and Improvements Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- n) Agenda item #E-14 entitled, "Set Public Hearing for April 5, 2000 to consider Refuse Rate Adjustment Application from Central Valley Waste Services, Inc. (CVWS)" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- o) Set Public Hearing for April 5, 2000 to consider the technical equipment purchase proposal for Local Law Enforcement Block Grant Program.
- p) Agenda item #E-16 entitled, "Consideration of various matters pertaining to the November 7, 2000 General Municipal Election" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- q) Agenda item #E-17 entitled, "Authorization to participate in Joint Countywide Feasibility Study to explore options for Animal Shelter Operations" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-2 entitled, "Minutes a) February 10, 2000 (Special Meeting); b) February 16, 2000 (Regular Meeting); and c) February 17, 2000 (Special meeting)".

Mayor Pro Tempore Nakanishi indicated that he would like the minutes of February 16, 2000 (Regular Meeting) amended regarding the Council Travel Policy and his comment regarding the City's \$83 million Operating Budget, not \$50 million as stated in the minutes.

The City Council, on motion of Mayor Pro Tempore Nakanishi, Hitchcock second, unanimously approved the minutes of February 10, 2000 (Special Meeting), February 16, 2000 (Regular Meeting) as amended, and February 17, 2000 (Special Meeting).

- b) Agenda item #E-8 entitled, "Authorize City Manager to execute a professional services agreement for design services for Elm Street Improvements, School Street to Sacramento Street".

Public Works Director Prima reported that as part of the Capital Improvement Program, funds have been budgeted for "Downtown Streets Improvements". These funds were intended to provide for street improvements to be done with adjacent projects. Staff is currently working on two major projects—one private (the Downtown Theater) the other public (the Lodi Station Parking Structure). Each will incorporate street improvements along their frontages. However, the intervening block of Elm Street between School and Sacramento streets is also in need of major repairs.

Staff proposes to prepare final designs for the concept plan, presented to the Council July 27, 1999, for a reconstructed Elm Street using paving stones, decorative lighting and street furniture to create a shared walking/driving corridor. The corridor would provide two-way travel with some diagonal parking between trees, lights and other street furniture,

but would be built without curbs. This provides an enhanced pedestrian environment both when vehicles are permitted and during closures for various events. The firm of Worthington and Associates created this design concept and staff wishes to utilize their services to refine the design. The overall design will be a collaborative effort between Worthington and City staff. Worthington's work is estimated to cost approximately \$28,000 and the balance of \$7,000 is for testing expenses and contingencies.

Council Member Hitchcock questioned what the process is with the property owners for this type of project. Public Works Director Prima responded to this and other questions as were posed by the City Council.

Following discussion, the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously authorized the City Manager to execute a professional services agreement for design services for Elm Street Improvements, School Street to Sacramento Street, and appropriated funds in accordance with staff recommendation.

- c) Agenda item #E-10 entitled, "Amend contract between the City of Lodi and Food & Fun Concessions for concession operations at Armory Park and Softball Complex".

Parks and Recreation Director Williamson and Recreation Supervisor Reese presented the following report.

Food & Fun Concessions has requested to amend the contract at Armory Park and the Softball Complex, changing their percentage paid to the City from the Complex from 27% to 20%, and at the Armory from 12% to 5%. Food & Fun is in the final year of a three year agreement, and has been the concessionaire at these locations for the previous five years. Their revenue stream has been decreasing due to a reduction in weekend rentals at these facilities, as the City is no longer an approved host for A.S.A. Junior Olympic softball tournaments. Our department's youth program is now part of a competing organization. Also, Tokay High has moved their home games to an on-campus site, further reducing participant and spectator sales.

Council Member Pennino questioned if the City guaranteed Food & Fun a particular number of games in the original contract.

Discussion then followed regarding why we are seeing a decrease in the revenue. Parks and Recreation Director Williamson and Recreation Supervisor Reese responded to additional questions as were posed by the City Council.

The City Council, on motion of Council Member Pennino, Hitchcock second, **denied** the request to amend the contract between the City of Lodi and Food & Fun Concessions by the following vote:

Ayes: Council Members – Hitchcock, Land, Pennino and Mann (Mayor)

Noes: Council Members – Nakanishi

Absent: Council Members – None

- d) Agenda item #E-11 entitled, "Authorize City Manager to execute contract with Moore, Iacofano, Goltsman, Inc. for greenbelt consulting services".

At the request of Council Member Hitchcock, Community Development Director Bartlam provided the following report.

As the next step in the continuing process of creating a Greenbelt Policy, the 2x2x2 Greenbelt Task Force, made up of representatives of the Lodi City Council, the Stockton City Council, and the San Joaquin County Board of Supervisors, has chosen Moore, Iacofano, and Goltsman, Inc. (MIG) to conduct community forums or workshops. These workshops will be arranged to gather input from City and County residents who may have an interest in the proposed greenbelt activities. Since Lodi is the body that applied for and

received the grant money being used to pay the consultant, we are entering into a contract with the consultant on behalf of the Task Force. Initially, MIG will be facilitating two community forums, with the possibility for an additional forum if necessary. The Task Force and staff will be working closely with MIG throughout this process.

Community Development Director Bartlam provided additional information as to when the Task Force will next meet and when public forums will be held on this matter.

Following additional discussion, the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously adopted Resolution No. 2000-31 authorizing the City Manager to execute a contract with Moore, Iacofano, and Goltsman, Inc. for open space/greenbelt consulting services for a total cost of \$22,895.

- e) Agenda item #E-13 entitled, "Public Benefits Program – City of Lodi Energy Efficiency and Improvements Project".

(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)

Business Planning & Marketing Manager Stone reported that in May of 1999, the City Council authorized a Citywide energy assessment analysis of designated City-owned and operated facilities. The assessment, conducted by the City of Lodi Electric Utility and its energy services partner, Energy Masters International, was completed in late 1999. The assessment outlines a number of energy conservation and energy improvement measures/projects for implementation. The project proposed at this juncture (not to exceed \$630,000), incorporates a variety of City structures, facilities and recreational sites (listed below), that are eligible for grant dollars as identified by the City of Lodi Public Benefits Program – municipal project category. These construction projects include:

- Fire Station Number 3 – internal lighting retrofit;
- White Slough Wastewater Treatment Plant – internal lighting retrofit, installation of two highly efficient heat pumps and the installation of programmable thermostats;
- Hutchins Street Square – lighting panel control improvements (as part of the HSS energy management system), and heating/air conditioning improvements in Kirst Hall;
- Parks and Recreation Administration/Office – internal lighting retrofit; and
- Parks and Recreation Athletic/Event Fields – lighting retrofit for: Armory Park, Softball Complex, Zupo Field, Grape Bowl, Kofu Park, Blakely Park, Emerson Park, Hale Park, Lawrence Park, Legion Park, Lodi Lake, Salas Park, and Vinewood Park.

For all internal lighting retrofits, state-of-the-art, highly efficient fluorescent lighting and controls will be installed (T-8 and compact fluorescent lamping where appropriate, electronic ballasts, motion sensors, mirrored reflectors) to replace inefficient and aging equipment. Energy savings for these aforementioned lighting retrofits will be in excess of 15 percent annually per location.

For the external lighting retrofits (athletic and event fields), removal of existing, inefficient lighting applications will be completed, with installation of new, metal halide, highly efficient lighting and related components. This particular retrofit project will increase foot candle light on all fields in the project, which could also be viewed as an improvement safety measure for patrons utilizing those identified facilities.

The proposed Public Benefits Program expenditures bring municipal category expenditures current through FY 1999-2000 (based on Public Benefit Program allocation of funds previously recommended to Council).

The City of Lodi Electric Utility, in conjunction with Parks and Recreation, Public Works, Hutchins Street Square, and the Fire Department, have thoroughly reviewed the various energy conservation and improvement measures, and respectfully recommend approval of these municipal projects as qualifying components of the City of Lodi Public Benefits Program.

Council Member Hitchcock indicated that she had previously requested the City Manager provide a report on all Public Benefits Program and has not yet received it.

Business Planning & Marketing Manager Stone promised that reports would be forthcoming to the Council shortly and further answered questions as were posed by the Council Members.

The City Council, on motion of Council Member Hitchcock, Nakanishi second, adopted Resolution No. 2000-33 approving a Public Benefits Program grant, not to exceed \$630,000, for a series of energy efficiency and improvement projects at City-owned and operated facilities and authorized the City Manager to execute an agreement with Energy Masters International, Inc., to implement the City of Lodi Energy Efficiency and Improvements Project by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Pennino

- f) Agenda item #E-14 entitled, "Set Public Hearing for April 5, 2000 to consider Refuse Rate Adjustment Application from Central Valley Waste Services, Inc. (CVWS)".

Public Works Director Prima reported that over the past eight years, City Council has followed a rate methodology, adopted by Council December 4, 1991, for establishing residential and commercial refuse collection rates in the City of Lodi. In accordance with this methodology, Central Valley Waste Services (CVWS) has requested a rate adjustment of 1.03%, or an increase of \$0.19 per month on the standard 38-gallon residential rate. Per the adopted methodology, this year the adjustment is based on an index formula. Staff is reviewing the information submitted by CVWS. Any findings that effect the adjustment rate will be reviewed at the public hearing.

CVWS has requested the adjustment become effective April 1. Over the past years, this has normally been the date new rates went into effect. Last year, however, the increase was not effective until July 1 because CVWS requested a delay due to changes in their accounting systems. Even though the new rate was delayed three months, CVWS did not adjust the increase to account for the delay. Since there is no March 15 Council meeting scheduled, the rate increase will be recommended to take place immediately upon adoption.

Council Member Pennino requested a report on CVWS reducing its costs.

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously set Public Hearing for April 5, 2000 to consider Refuse Rate Adjustment Application from Central Valley Waste Services, Inc.

- g) Agenda item #E-16 entitled, "Consideration of various matters pertaining to the November 7, 2000 General Municipal Election".

At the request of Council, City Clerk Reimche presented the following report and answered questions regarding the matter as were posed by the City Council.

The 2000 General Municipal Election for two Council seats will be held Tuesday, November 7, 2000. The terms of Council Members Land and Mann are expiring.

By State statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

1. It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 7, 2000.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with State-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

2. The California Election Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the Council to adopt a policy no later than seven days before the nominations period opens regarding the candidates' obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the voters' pamphlet mailing.

- **Payment**

Election Code §13307 allows the City to estimate the total cost of printing, handling, translating and mailing the candidates' statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates' statement may be borne by the City, the candidate, or the cost shared between them. (It should be noted that the City has in the past elected **not** to charge candidates for the cost of the candidates' statements.)

- **Word Limit**

The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the City has in the past elected **not** to increase the word limitation to 400 words.)

- **Spanish Language**

Federal law does not require Spanish translation in San Joaquin County. The City Council may wish to reflect State law which allows candidates to request Spanish candidates' statements.

Options that the City Council might consider are:

- Have translated and printed in the voters' pamphlet only the candidates' statements of those candidates who request translation and printing.
- Have all candidates' statements translated and printed in the voters' pamphlet.
- Have all candidates' statements translated and available upon request in the City Clerk's office.
- Have all candidates' statements translated but print only those statements which the candidate requests to be printed, others available upon request in the City Clerk's office.

(The City Council in the past has **not** charged candidates for these translations and has elected to allow candidates to request Spanish candidates statements.)

3. It will be necessary for the City Council to adopt a resolution determining whether or not there will be a filing fee for nomination papers.

§10228 of the Election Code of the State of California provides that a filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the City Council and set by ordinance but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of such nomination papers.

California courts have ruled that you may not refuse to place a candidate's name on the ballot due to an inability to pay the filing fee. If the fee cannot be waived, an alternative must be provided. Court guidelines are similar to Election Code §8106 providing for the substitution of four additional signatures for each one dollar of the filing fee, or an additional one hundred signatures.

(In the past the City Council determined that there would be **no** filing fee for the processing of candidates' nomination papers.)

4. The City Council on October 19, 1988, adopted Ordinance No. 1438 entitled, "An Ordinance Of The Lodi City Council Consolidating Municipal Elections With State-Wide General Elections". This Ordinance was adopted pursuant to Section 36503.5 of the State of California Government Code. Ordinance No. 1438 was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

It is necessary for the City of Lodi to enter into an Agreement with the County of San Joaquin to provide certain services in the conduct of the November 7, 2000 General Municipal Election. The City will reimburse the County for these services when the work is completed and upon presentation to the City of a properly approved bill.

5. §10229 of the Election Code allows for one of the following courses of action to be taken by the City Council in the event there are not more candidates than offices to be elected, or if no one is nominated:

- Appoint to the office the person who has been nominated.
- Appoint to the office any eligible voter if no one has been nominated.
- Hold the election if either no one or only one person has been nominated.

Council may recall that a number of years ago only the incumbents were nominated for office at the General Municipal Election held in Lodi. State statute, at that time, mandated that the election be held. The City had to bear the cost of the election and the voter turnout was extremely low. State statutes have since been amended to allow for a number of courses of action which can be followed should this happen. However, the decision on which course of action is to be followed must be adopted by the City Council prior to the election.

The Provisions of this statute do not apply if, at the subject election, more than one person has been nominated to another City office to be elected on a City-wide basis or city measure has qualified to be placed on the ballot.

In the event that no nominations are received, this matter will be brought back to the Council following the close of nominations for Council to decide if it wishes to appoint eligible voters to the office or hold the election which would then allow for write-in candidates.

6. §15651 of the State of California Election Code provides that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in an election to be either by lot or by the conduct of a special runoff election.

A special runoff election shall be held only if the legislative body adopts the provisions for the special election prior to the conduct of the election resulting in the tie vote.

Because of the time and cost involved in conducting a special runoff election, it is recommended that the tie vote be determined by lot which process would be conducted by the City Clerk at the City Council meeting immediately following the canvass of the subject General Municipal Election.

7. The State of California Election Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Election Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

It is, therefore, necessary that the City Council adopt a resolution regarding impartial analyses, arguments for and against any measure(s), and for the submittal of rebuttal arguments as set forth in the State of California Election Code for any measure(s) that may qualify to be placed on the ballot for the November 7, 2000 General Municipal Election.

8. In order to ensure that political signs are removed by City Council candidates following the November 7, 2000 General Municipal Election, it is recommended that the City Council adopt the attached resolution. The proposed resolution would require all Council candidates running for office in the November 7, 2000 General Municipal Election make a \$100 cash deposit at the time they file their nomination papers to ensure the removal of their signs following the election.

Following the election, when it has been determined that all of the candidate's signs have been removed within the 30 day time frame, the \$100 deposit will be returned to the candidate at his/her request.

Following discussion, the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously adopted the following resolutions:

- Resolution No. 2000-34 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held In The City On Tuesday, November 7, 2000, For The Election Of Certain Officers Of The City As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities";
- Resolution No. 2000-35 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Adopting Regulations For Candidates For Elective Office Pertaining To Candidates Statements Submitted To The Voters At An Election To Be Held On Tuesday, November 7, 2000";
- Resolution No. 2000-36 entitled, "A Resolution Of The Lodi City Council Determining That There Will Be No Filing Fee Charged For The Processing Of Candidates' Nomination Papers For The November 7, 2000 General Municipal Election";
- Resolution No. 2000-37 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Requesting The Board Of Supervisors Of The County Of San Joaquin To Render Specified Services To The City Relating To The Conduct Of A General Municipal Election To Be Held Tuesday, November 7, 2000";
- Resolution No. 2000-38 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Providing For The Appointment To The Offices Of This City That Were To Be Elected Tuesday, November 7, 2000 Of The Persons Who Have Been Nominated If There Are Not More Candidates Than Offices To Be Elected";

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- Resolution No. 2000-39 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Providing That The Determination Of A Tie Vote By Candidates Who Receive An Equal Number Of Votes And The Highest Number Of Votes For One Office In The November 7, 2000 General Municipal Election Will Be By Lot";
- Resolution No. 2000-40 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Setting Forth The Council's Policy Regarding Impartial Analysis, Arguments And Rebuttal Arguments For Any Measure(s) That May Qualify To Be Placed On The Ballot For The November 7, 2000 General Municipal Election"; and
- Resolution No. 2000-41 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Establishing A Cash Deposit Of \$100 Be Made By Council Candidates To Ensure Political Signs Are Removed Within 30 Days Following The November 7, 2000 General Municipal Election".

- h) Agenda item #E-17 entitled, "Authorization to participate in Joint Countywide Feasibility Study to explore options for Animal Shelter Operations".

City Manager Flynn reported that the proposed study, conducted by a consultant, would explore the options for all animal control and animal shelter services in the county under a Joint Powers Authority, consortium, or similar agreement. Many of the shelter facilities around the county are either antiquated or undersized, and Lodi's facility as well is overcrowded and in need of renovation.

In addition, new legislation (the Hayden Bill) took effect July 1, 1999. The bill, among other things, dramatically increased the amount of time shelters are required to hold animals. The impact on our shelter, as well as others in the county is significant.

Participation in the study carries no further obligation for our City, but staff would have adequate information to consider the options explored by the study.

Speaking on the matter were the following persons:

1. Pat Sherman, 708 Reisling Court, Lodi, spoke in support of the operation and asked that Animal Friends Connection be kept informed.
2. Rose Hilliard, 616 Victor Road, Lodi, urged the Council to vote no on this study. She would rather see the money spent to improve the current operation. She suggested that Council create an educational campaign on animals and further make it mandated for non-breeders to spay or neuter their animals.

Following discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, adopted Resolution No. 2000-30 authorizing the expenditure of \$5,130 in order for the City to participate in a Joint Countywide Feasibility Study to explore options for Animal Shelters with the cities of Stockton, Manteca, Tracy, Lathrop, Escalon, and Ripon and the County of San Joaquin by the following vote:

Ayes: Council Members – Hitchcock, Land, Pennino and Mann (Mayor)

Noes: Council Members – Nakanishi

Absent: Council Members – None

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Land, Hitchcock second, unanimously rejected the following claims:

1. Pacific Bell, date of loss 5/11/99
2. Dwayne Henderson, date of loss 10/4/99
3. Arthur Altnow, date of loss 12/4/99

- b) City Clerk Reimche read the following ABC License:

1. Rick A. Darone to Rickie D. Inc., Tony's Pizzeria, 514 West Lodi Avenue, Lodi, On-Sale Beer and Wine, Fiduciary Transfer

Council Member Land expressed a concern that Jack in the Box do landscaping and design improvements to its new facility going in by Safeway on Kettleman Lane and Lower Sacramento Road, as it is a main ingress/egress into this City. Council Member Land is disappointed in having this type of restaurant at this location, and would rather see an upscale sit-down restaurant. Council Member Hitchcock commented that she is glad that Jack in the Box is going in at that location, because she would rather see the upscale sit-down restaurants in the downtown area.

- c) The following report was presented to the City Council:

1. Planning Commission report of February 9, 2000

- d) The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously made the following appointment to the Lodi Arts Commission:

Lodi Arts Commission

Sidney Fosen Term to expire July 1, 2001

9. RECESS

Mayor Mann called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:40 p.m.

10. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Lower Sacramento Road Widening Project, status report and discussion".

Public Works Director Prima introduced Traffic Engineer Fernandez, who presented the following report.

The Public Works Department staff has been working with our engineering consultants, Mark Thomas & Co., Inc., on several aspects of the Lower Sacramento Road Widening Project. Staff is very pleased with the design outcome and community response to the widening project. Staff felt that prior to completing the street improvement design, an overview of the project should be presented to City Council; therefore, staff and the consultants presented the recommended layout. The Status Report and Traffic Study Summary were presented as additional information.

Staff has directed our consultants to design a project between Kettleman Lane and Turner Road that will allow the City to acquire a minimal amount of right of way while providing four travel lanes with a raised landscaped median and turn lanes. We propose to acquire right of way at the following areas:

South of Tejon Drive, east side

Ten feet is needed to build the curb, gutter and sidewalk along the east side of the main roadway without constructing the frontage road. This involves acquiring right of way from one parcel.

Vine Street to Taylor Road, west side

At both corners, Vine Street and Taylor Road, fifteen feet is needed to build the ultimate improvements with transitions just at the intersections. To accommodate the four travel lanes, it is necessary to reduce the median width by two feet. Between these improvements, a temporary asphalt dike will be constructed on the west side. This involves acquiring right of way from one property south of Vine Street and three properties north of Taylor Road.

North of Sunwest Market Place (Safeway), east side

Fifteen feet is needed to construct curb, gutter and sidewalk at the ultimate location on the east side. This involves acquiring right of way from three properties north of the shopping center.

Staff hosted a second public meeting on February 28, 2000, and discussed the comments from this meeting.

The environmental document is currently underway and the Community Development Department will be bringing this item to City Council on April 5, 2000. Since the City will be using federal and state funds for the construction of this project, the environmental document, as well as several technical studies, have been prepared to meet National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines. The environmental document needs to be certified by the beginning of April in order to meet a June 2000 deadline for allocation of funds by the California Transportation Commission.

After the environmental document has been certified, staff will begin the process of acquiring right of way as needed for the widening project. Staff anticipates bringing back to City Council the request for approval of plans and specifications and authorize advertisement of the widening project in June 2000. Several utility companies have been notified and are currently working on the engineering to relocate their facilities prior to the start of construction. Staff anticipates that construction could begin in August or September 2000 depending on approval of State/City Cooperative Agreement for funding and right of way acquisitions.

Ms. Fernandez provided the following breakdown of the \$6.7 million funding:

Cost

Design/Environmental Documentation	\$ 753,400
Right of Way Acquisition	50,000
Construction/Construction Management	5,896,600
TOTAL	\$6,700,000

Funding Sources

State Transportation Improvement Program (STIP)	\$2,600,000
Measure K	1,883,000
Transportation Development Act (TDA)/Regional Impact Fees	2,217,000
TOTAL	\$6,700,000

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Speaking on the matter was Tim Flemming with Mark Thomas & Company, who provided additional information regarding the report and project calendar and went through a typical cross-section of the proposal. Traffic Engineer Fernandez and Mr. Flemming answered questions as were posed by Council Members.

Council expressed a concern about Taylor Road being an ingress/egress on this proposal.

There was no action required on this matter.

11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Walter Pruss, 2421 Diablo Drive, Lodi, stated that he is very interested in the project and has actively followed the progress of the project. He stated that he is vitally interested in traffic and safety. Further, Mr. Pruss stated that he did not get a complete review of the proposed landscaping plan at either of the public meetings he attended. Mr. Pruss recommended that the landscaping be done at a low installation cost, and that it be low maintenance and drought resistant.
- b) Janet Pruss, 2421 Diablo Drive, Lodi, stated that at one point in earlier discussions regarding this project she heard that eventually Lower Sacramento Road would become a six-lane road and questioned whether or not this was true. Mayor Mann confirmed that her recall was correct. Finally she asked who would pay for the maintenance of the landscaping after the grant monies are used up. Mrs. Pruss also urged that the landscaping be drought resistant.
- c) Rick Gerlack, Taylor Road, Lodi, stated that he has attended the workshops and has talked with both Richard Prima and Paula Fernandez regarding the intersection of Lower Sacramento Road and Taylor Road. He stated that staff's proposal regarding this intersection is a lot safer than the present conditions. He added that right now there is a safety issue out there, and no one seems to have worried about it.

Council Member Pennino commented that there may be some differences of opinion regarding the median landscaping and asked staff to keep the Council apprised as plans go forward.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Pennino stated that he had received a letter from Mr. Hal Armstrong regarding the recently adopted ordinance designed to limit the parking of large commercial vehicles within the City limits. Council Member Pennino referred the matter to the City Attorney. Mr. Pennino further requested that the City Council receive written comments from the City Attorney regarding the letter and that this subject be brought back on a future agenda.
- b) Council Member Land stated that he had received a telephone call from Mr. Bob Burnett who resides on Mills Avenue regarding the area of Mills and Tokay Street to Vine Street. Mr. Burnett stated that it is very hard to see the street striping in the rain. Council Member Land asked questions regarding this area and stated that it was his understanding at an earlier meeting that this area would be monitored for the concerns that had been expressed at that time.
- c) Very warm and gracious remarks were made to City Clerk Reimche during her last regular City Council meeting by members of the City Council.

Continued March 1, 2000

- d) Council Member Hitchcock talked about the Special City Council Meeting slated for 7:00 p.m., Thursday, March 30, 2000. She urged that the meeting be changed to a regular Council meeting date as citizens are more accustomed to viewing and attending Council Meetings on those days. Ms. Hitchcock stated that if the meeting in fact is held on March 30, 2000, that every effort should be made to encourage citizens to attend the meeting and that arrangements be made to have the meeting televised.

The other Council Members felt that the meeting should go forward on March 30, 2000 at 7:00 p.m.

Council Member Hitchcock stated that she is concerned about trying to finance this project from the General Fund and further stated that she had received a number of telephone calls supporting her concerns.

Council Member Hitchcock asked for a clarification regarding the purpose and expectations for the March 30, 2000 meeting. Various Council Members responded regarding the concerns that had been expressed by Council Member Hitchcock.

- e) Mayor Mann asked that the recently adopted ordinance relating to truck parking be placed on the agenda for the April 5, 2000 City Council Meeting.

14. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at approximately 10:00 p.m. to a Closed Session to discuss the following matter:

- a) Conference with Labor Negotiator, Human Resources Director Joanne Narloch, regarding San Joaquin Public Employees Association (SJPEA) regarding General Services and Maintenance and Operators (M&O); Lodi Police Dispatchers Association (LPDA); Lodi Police Officers Association (LPOA); United Firefighters of Lodi (UFL); Confidential Employees, Management and Mid-Management Employees pursuant to Government Code 54957.6

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:40 p.m., and Mayor Mann disclosed that this matter would appear again on a Special Meeting agenda for March 21, 2000.

16. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 10:40 p.m.

ATTEST:

Alice M. Reimche
City Clerk